IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA,
CARLENE BECHEN, ELVIRA BUMPUS,
RONALD BIENDSEI, LESLIE W. DAVIS,
III, BRETT ECKSTEIN, GEORGIA
ROGERS, RICHARD KRESBACH,
ROCHELLE MOORE, AMY RISSEEUW,
JUDY ROBSON, JEANNE SANCHEZ-
BELL, CECELIA SCHLIEPP, and TRAVIS
THYSSEN,

        Plaintiffs,

        v.

Members of the Wisconsin Government
Accountability Board, each only in his
official capacity: MICHAEL BRENNAN,
DAVID DEININGER, GERALD NICHOL,
THOMAS CANE, THOMAS BARLAND, and
GORDON MYSE, and KEVIN KENNEDY,
Director and General Counsel for the
Wisconsin Government Accountability
Board,

        Defendants.

Case No. 11-C-00562

DEFENDANTS' MOTION TO DISMISS

The defendants, the Members of the Wisconsin Government Accountability

Board ("GAB"), Michael Brennan, David Deinninger, Gerald Nichol, Thomas Cane,

Thomas Barland, and Timothy Vocke, each in his official capacity only, and Kevin

Kennedy, in his official capacity as Director and General Counsel for the GAB only,

by their attorneys, J.B. Van Hollen, Attorney General, and Maria S. Lazar, Assistant Attorney General, hereby move this Court for a dismissal of this action pursuant to Fed. R. Civ. P. 12(b)(1) (lack of subject matter jurisdiction) and Fed. R. Civ. P. 12(b)(6) (failure to state a claim upon which relief can be granted). In the alternative, movants request that this Court defer to the State Legislature and then the State judiciary or that the Court abstain from taking this matter.

For the reasons more fully set forth in the accompanying Brief in Support of Motion to Dismiss, the movants request that the Court grant their Motion to Dismiss this action in its entirety.

Dated this 30th day of June, 2011.

J.B. VAN HOLLEN
Attorney General

s/Maria S. Lazar
MARIA S. LAZAR
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